REMARKS/ARGUMENTS

In the Office Action mailed May 23, 2008, claims 1-11 were rejected. In response, Applicants hereby request reconsideration of the application in view of the proposed amendments and the below-provided remarks. No claims are added or canceled. Applicants submit that the proposed amendments place the present application in condition for allowance or in better condition for appeal.

For reference, proposed amendments are presented for claims 1 and 4. In particular, the proposed amendments for claims 1 and 4 clarify the lower stake and the upper stake in relation to time. These amendments are supported, for example, by the subject matter described in the paragraph at page 5, line 11-28, of the original specification, as well as Fig. 3 and the accompanying description.

Claim Rejections under 35 U.S.C. 102 and 103

Claims 1-9 were rejected under 35 U.S.C. 102(e) as being anticipated by Wang et al. (U.S. Pat. No. 7,200,799, hereinafter Wang). Additionally, claims 10-11 were rejected under 35 U.S.C. 103(a) as being unpatentable over Wang in view of Chang et al. (U.S. Pat. Pub. No. 2003/0028838, hereinafter Chang). However, Applicants respectfully submit that these claims are patentable over Wang and Chang for the reasons provided below.

Independent Claim 1

Claim 1, including the proposed amendment, recites "wherein the lower stake comprises a lower metric vector initialization value independent of time and the upper stake comprises an upper metric initialization value independent of time" (emphasis added).

In contrast, Wang does not disclose a lower metric vector initialization value independent of time and an upper metric vector initialization value independent of time. As stated in the response to the previous Office Action, Wang appears to be silent with regard to an upper and/or a lower stake in relation to a window. The Office Action further states that the Examiner construes a stake as a boundary of the window, that the

upper stake is a starting time boundary of the window, and that the lower stake is an ending time boundary of the window. However, Applicants' note that in Fig. 5 of Wang and in Fig. 3 of the present application the horizontal aspect, or the X axis, of each of the drawings is in reference to time, or a timeline running from left to right, or left and right boundaries. As such, a lower metric vector initialization value independent of time and an upper metric vector initialization value independent of time in relation to the Y axis of a window in either Wang or the present application is not a boundary in relation to the X axis, or in relation to time that is running left to right relative to a certain window because the upper and lower boundaries of Wang are dependent on time as they are expressly related to time. Wang appears to describe boundaries that refer only to a left boundary and a right boundary relative to certain times along a timeline. Wang, col. 9, lines 29-53. In other words, the only boundary that Wang describes is in relation to time, shown along the X axis, or left and right boundaries. The boundaries of Wang are not related to upper and lower boundaries that are independent of time. Hence, Wang does not describe any type of boundary in relation to the Y axis, or in relation to an upper boundary or a lower boundary. Therefore, Wang does not disclose an upper stake or a lower stake, as recited in the claim.

For the reasons presented above, Wang does not disclose all of the limitations of the claim because Wang does not disclose a lower metric vector initialization value independent of time and an upper metric vector initialization value independent of time, as recited in the claim. Accordingly, Applicants respectfully assert claim 1 is patentable over Wang because Wang does not disclose all of the limitations of the claim.

Independent Claim 4

Applicants respectfully assert independent claim 4 is patentable over Wang at least for similar reasons to those stated above in regard to the rejection of independent claim 1. In particular, claim 4, including the proposed amendment, recites "wherein the lower stake comprises a lower metric vector initialization value independent of time and the upper stake comprises an upper metric vector initialization value independent of time" (emphasis added).

Here, although the language of claim 4 differs from the language of claim 1, and the scope of claim 4 should be interpreted independently of claim 1, Applicants respectfully assert that the remarks provided above in regard to the rejection of claim 1 also apply to the rejection of claim 4. Accordingly, Applicants respectfully assert claim 4 is patentable over Wang because Wang does not disclose a lower metric vector initialization value independent of time and an upper metric vector initialization value independent of time.

Dependent Claims

Claims 1-3 and 5-11 depend from and incorporate all of the limitations of the corresponding independent claims 1 and 4. Applicants respectfully assert claims 1-3 and 5-11 are allowable based on allowable base claims. Additionally, each of claims 1-3 and 5-11 may be allowable for further reasons, as described below.

In regard to claims 2 and 8, Applicants respectfully submit that claims 2 and 8 are not anticipated by Wang because the cited reference does not disclose all of the limitations of the claims. Claims 2 and 8 recite "the forward state metric vector (α) computed last is stored in an upper stake of said current window (WID) during the forward recursion, and the backward state metric vector (β) computed last is stored in the lower stake (STK) of said current window (WID) during the backward recursion" (emphasis added). In contrast, the cited portion of Wang (Fig. 5, col. 9, lines 7-27) merely discloses that small boxes 515 underneath oriented arrows represent memory requirements for the storage of state metrics. However, the analysis in the present Office Action appears to disregard and ignore the remaining details of the limitations recited in the claim. In fact, even if the depicted boxes were to depict memory requirements for the storage of state metrics, generally, as asserted in the Office Action, Wang nevertheless appears to be silent with regard to specifically storing a forward state metric vector in an upper stake of a current window and storing a backward state metric vector in a lower stake of a current window. Accordingly, Applicants respectfully assert that claims 2 and 8 are patentable over Wang because Wang does not disclose "the forward state metric vector computed last is stored in an upper stake of said current window during the forward recursion, and the backward state metric vector computed last is stored in the

lower stake of said current window during the backward recursion," as recited in claims 2 and 8.

CONCLUSION

Applicants respectfully request reconsideration of the claims in view of the proposed amendments and remarks made herein. A notice of allowance is earnestly solicited.

At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account **50-3444** pursuant to 37 C.F.R. 1.25. Additionally, please charge any fees to Deposit Account **50-3444** under 37 C.F.R. 1.16, 1.17, 1.19, 1.20 and 1.21.

Respectfully submitted,

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